

1 MR. BROCKMAN: Okay. Well, then I got  
2 a question for you.

3 DR. AGRONIN: Sure.

4 MR. BROCKMAN: I'm under the  
5 impression that, you know, I'm not supposed  
6 to be talking to you about the case, that I'm  
7 supposed to be talking to you about my mental  
8 condition.

9 DR. AGRONIN: That's true. But I do  
10 what to understand just in general what the  
11 case is about.

12 MR. BROCKMAN: Well, I think my  
13 answer's got to be the same.

14 DR. AGRONIN: Okay. Why do you think  
15 they have me here to talk to you? What do  
16 you think your attorneys want me to help with  
17 or determine?

18 MR. BROCKMAN: Again, I don't know  
19 that one particularly.

20 DR. AGRONIN: Okay.

21 MR. BROCKMAN: But in any case, the  
22 answer's the same. That's about the case;  
23 it's not about me.

24 DR. AGRONIN: Okay. But in terms of  
25 what would be known in general about your

1 case, something that would not necessarily be  
2 confidential, is there anything about it that  
3 you can describe what the charges are?

4 MR. BROCKMAN: I don't think so.

5 DR. AGRONIN: Okay. Do you know what  
6 the charges are, but you are advised not to  
7 speak about it? Or you're not certain what  
8 it's about?

9 MR. BROCKMAN: Probably some of both.

10 DR. AGRONIN: Okay.

11 MR. BROCKMAN: I don't know what might  
12 be proper. I don't know what might be  
13 improper.

14 DR. AGRONIN: Okay. Someone had  
15 advised you not to speak about certain  
16 things?

17 MR. BROCKMAN: No.

18 DR. AGRONIN: Okay. How about this:  
19 are there certain individuals who are most  
20 relevant to this case? You know, if I'm  
21 trying to learn more about you, who should I  
22 know about or who should I talk to understand  
23 about you in the case? Are the specific  
24 individuals that would be very helpful?

25 MR. BROCKMAN: I think -- again, I

1 think that comes back around to the fact that  
2 I'm under instruction that this is not an  
3 inquisition type kind of situation where you  
4 all grill me and make my life miserable for a  
5 couple of days.

6 DR. AGRONIN: Okay.

7 MR. BROCKMAN: And it doesn't involve  
8 talking about, you know, the case.

9 DR. AGRONIN: Okay. Well, I do want  
10 to understand -- and this is what your  
11 attorneys had asked our group to understand  
12 -- is, you know, your general understanding  
13 of the case. And so I'm wondering if there's  
14 anything you can tell me about it that would  
15 be -- just so I can see what you understand  
16 about the case?

17 MR. BROCKMAN: I don't think so.

18 DR. AGRONIN: Okay.

19 MR. BROCKMAN: And I'm sure the  
20 lawyers on your side will take it up with the  
21 lawyers on my side, and there'll be semi-  
22 armed combat.

23 DR. AGRONIN: Well, as I explained  
24 before, the -- it's your attorneys that my  
25 group is working with. Does that make sense

1 to you?

2 MR. BROCKMAN: When you say it like  
3 that, yeah, it does. I've not been aware of  
4 that.

5 DR. AGRONIN: Okay. But yeah, the  
6 group I work with, the Forensic Panel, is  
7 working with your attorneys. And so they  
8 asked us to work with you on -- to understand  
9 that.

10 MR. BROCKMAN: Um-hum.

11 DR. AGRONIN: Okay?

12 MR. BROCKMAN: Well, are you saying  
13 that the things we talk about here --  
14 recordings, test results, whatever -- that  
15 that's considered to be attorney-client  
16 privilege?

17 DR. AGRONIN: No, because I'm not an  
18 attorney and this is -- this is for -- since  
19 it's being videotaped, this is records that  
20 both sides -- information that they'll share.  
21 And it's information that'll help me develop  
22 my own thoughts and opinions about how you're  
23 doing for your attorneys.

24 What are the two sides in the case  
25 here, just basically without getting -- I

1 know you said you don't want to get into the  
2 details of the case, but who is charging who  
3 in this case?

4 MR. BROCKMAN: Department of Justice  
5 is charging me.

6 DR. AGRONIN: Okay. So my group is  
7 not working with the Department of Justice.  
8 We're working with your attorneys.

9 MR. BROCKMAN: Well, that's good to  
10 know.

11 DR. AGRONIN: Okay. I just wanted to  
12 clarify that. So then, you know, if I have  
13 questions about the case, it's -- it's, you  
14 know -- that's the direction I'm coming from  
15 is to try to understand your understanding of  
16 the case. Have you been involved in a lot of  
17 litigation before?

18 MR. BROCKMAN: Not really.

19 DR. AGRONIN: Do you remember the last  
20 case that you worked with or worked on, what  
21 that was about?

22 MR. BROCKMAN: Well, there's one that  
23 is still under litigation, which from a legal  
24 standpoint, can I talk about those kind of  
25 things?

1 DR. AGRONIN: Well, I mean -- I guess  
2 you'd have to go on what you've been advised  
3 or not. I mean, just wondering if there's a  
4 case in the past or a recent one that you can  
5 describe or you feel comfortable or are able  
6 to describe to me in general details?

7 MR. BROCKMAN: You know, the folks  
8 that I'm thinking of, I'm not sure whether --  
9 they're all over the place. So I don't know  
10 when they're here, when they're not. You  
11 know, obviously, my attorneys can -- who  
12 essentially -- it's my understanding that my  
13 attorneys engaged your firm.

14 DR. AGRONIN: That's true.

15 MR. BROCKMAN: Okay. And so  
16 therefore, how all that works out is  
17 something they've got to solve.

18 DR. AGRONIN: Yeah, I was curious if  
19 there was a recent case that you were  
20 involved in that you participated in that you  
21 recall.

22 MR. BROCKMAN: Well, there's always  
23 the issue of collection of accounts  
24 receivable from car dealerships.

25 DR. AGRONIN: Yeah. Was there a

1 recent case you dealt with about accounts  
2 receivable?

3 MR. BROCKMAN: No, not -- I can't  
4 think of the name, but that kind of stuff is  
5 ongoing.

6 DR. AGRONIN: Yeah. For your current  
7 case, for this case now, what role do you see  
8 yourself playing with your attorneys? What  
9 would you do in the case?

10 MR. BROCKMAN: Since I've been sued  
11 personally as well as corporately, I'm  
12 essentially duty-bound to help --

13 DR. AGRONIN: And what does that mean  
14 when you help your attorneys? What sorts of  
15 things would you help them with?

16 MR. BROCKMAN: Well, the world is very  
17 complex, and while you might think that a  
18 computer system for a car dealership would be  
19 kind of nonattractive, be too small, but I  
20 believe for a long time that with the right  
21 software, everything will work.

22 And what the competition is always  
23 interested in doing is that they want to have  
24 the qualities and byproducts for the price  
25 the competitor offers their products.

1 DR. AGRONIN: Okay.

2 MR. BROCKMAN: And tries to convince  
3 the buyer that their stuff is as good as  
4 ours.

5 DR. AGRONIN: You know, part of the  
6 question that I was curious about is, when  
7 you work with your attorneys now, how do you  
8 work with them? What do you do to  
9 participate in your case currently?

10 MR. BROCKMAN: Well, there's always  
11 emails.

12 DR. AGRONIN: What sort of emails?

13 MR. BROCKMAN: I would call them  
14 general purpose. You know, any kind of  
15 question that could be raised, you know,  
16 they're raising them.

17 DR. AGRONIN: Do you feel that you are  
18 able to work with your attorneys? Or does  
19 anything get in -- have an impact on that,  
20 either positive or negative?

21 MR. BROCKMAN: I would say for the --  
22 for the most part, I'm satisfied with what  
23 attorney -- attorney, you know, capabilities  
24 they have.

25 DR. AGRONIN: Yeah. What makes you